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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2021/2022

USL2612 SPORTS LAW

(All Sections/ Groups)

10 AUGUST 2022

Reading Time: 9.00 a.m. – 9.15 a.m.
(15 Minutes)

Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

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1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
 2. This Question paper consists of 2 pages with 4 Questions only.
 3. Attempt question 1A **or** 1B. Questions 2, 3 and 4 are compulsory. The distribution of the marks for each question is given.
 4. Students are not allowed to bring in any statutes into the Examination Hall.
 5. Please write all your answers in the Answer Booklet provided.

ATTEMPT EITHER: -

QUESTION 1A

The issue of gender discrimination in sports competition have been a controversial topic and matters like equal pay and participation rights between men and women have persisted within sports just as it has in other professions.

Discuss the test to determine whether such discrimination is lawful and the justification of positive discrimination illustrating your reasons with examples and case laws.

(Total 25 Marks)

OR

QUESTION 1B

Sports merchandising refers to the production and sale of a product's name, artwork, logo, characters, or other elements related to a particular sport and/or event. Legally, it has been defined as "the licensing of publicly recognisable properties for use on or in association with specific products or services to foster sales of these products or services".

Explain the principle of personality merchandising and the legal concerns in character merchandising.

(Total 25 Marks)

STUDENT MUST ATTEMPT **ALL** OF THE FOLLOWING QUESTIONS: -

QUESTION 2

The NSW Court of Criminal Appeal in *R v Stanley* [1995] states: -

"In an organized game of rugby league the player' consent to acts of violence and acts of substantial violence, and the risks of injury, from the minor to the serious, flowing therefrom, provided that those acts occurred during the course of play following the rules and usages of the game.

Players are not to be taken as consent to the malicious use of violence intended or recklessly to cause grievous bodily injury.

The policy of the law will not permit the mere occasion of a rugby league match to render innocent or otherwise excuse conduct which can discretely be found, beyond reasonable doubt, to constitute a criminal offence."

Continued...

- a) Identify the elements of recklessness as illustrated in the above case.
(10 marks)
- b) Apply the rule of implied consent and its threshold in criminal liability in sports.
(15 marks)

(Total: 25 Marks)

QUESTION 3

The World Doping Agency (WADA) established the WADA CODE in 2015 with amendments in 2018, to harmonise anti-doping policies and regulations within sports organisations and among public authorities around the world. It works in conjunction with international standards to foster consistency among anti-doping organisations in various areas.

- a) Explain the rule and concept of Strict Liability as expressed in the said CODE.
(15 marks)
- b) Demonstrate the fundamental rights of a person charged with a doping violation and the sanctions imposed upon conviction.
(10 marks)

(Total: 25 Marks)

QUESTION 4

In a national hockey tournament in 2021 the hockey team Spitfire fared badly losing most of the matches. The coach, A. J. Abraham was very upset and made a public statement, blaming the Club's management for the debacle.

On 1 July 2021, A. J. Abraham was suspended for two years and fined RM20,000 by the Spitfire club's Disciplinary Committee, for his remark which they alleged had brought disrepute to the club.

The coach made an official complain to the National Hockey Federation (NHF) for the suspension and the fine. The NHF referred to the provision of section 23 of the Sports Development Act (SDA) 1997 on the procedural aspect of an appeal in respect of a dispute. The Sports Dispute Committee of the National Hockey Federation upheld the decision of the Spitfire Management Disciplinary Committee much to the dissatisfaction of A. J. Abraham who wishes to appeal against the decision. However, he was skeptical over the appeal procedure as specified in section 24A of the SDA and wants to take the matter to the court.

In advising A. J. Abraham, explain section 24A of the SDA and apply the fundamental principles of natural justice.

(Total: 25 Marks)

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